



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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October 7, 2008

IN REPLY PLEASE

REFER TO FILE: **WW-0**

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**ADOPTION OF WATER CONSERVATION URGENCY ORDINANCE  
FOR UNINCORPORATED COUNTY AREAS  
(ALL SUPERVISORIAL DISTRICTS)  
(4 VOTES)**

**SUBJECT**

These actions are to adopt a Water Conservation Urgency Ordinance to minimize the potential impacts of the Statewide drought on unincorporated County residents and instruct the Acting Director of Public Works to coordinate with unincorporated County area water purveyors to notify and request their customers' compliance with the provisions of the Ordinance.

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find that the proposed Ordinance is exempt from the provisions of the California Environmental Quality Act for the reasons stated in this letter and in the record of the Ordinance.
2. Introduce, waive reading, and adopt the Water Conservation Urgency Ordinance amending Title 11, Chapter 11.38, of the Los Angeles County Code to add Part 4, Water Conservation Requirements for the Unincorporated Los Angeles County Area, which establishes water conservation and waste prevention requirements for unincorporated County areas with a written warning for the first violation and a fine of \$100 for each subsequent violation.

3. Instruct the Acting Director of Public Works to coordinate with unincorporated County area water purveyors to notify their customers of the provisions of the Ordinance.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is to adopt the attached Water Conservation Urgency Ordinance for the unincorporated County areas and coordinate with unincorporated County area water purveyors to notify their customers of the provisions of the Ordinance. The Ordinance will enact water conservation and waste prevention requirements with a written warning for the first violation and a fine of \$100 for each subsequent violation to minimize the potential impacts of the Statewide drought on unincorporated County residents.

On July 1, 2008, your Board approved a motion by Supervisor Don Knabe to implement recommendations submitted in a report entitled "Response to Governor Schwarzenegger's Statewide Drought Proclamation" that was prepared by the Acting Director of Public Works in collaboration with the Departments of Internal Services, Parks and Recreation, and Regional Planning. This action would implement the first portion of the report's second recommendation, the update and adoption of a Water Wasting Ordinance for unincorporated County areas.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provision of Community Services (Goal 6) by enacting requirements to encourage water conservation, reduce water wasting, and improve the reliability of water service to unincorporated County area residents.

### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

This Ordinance will enact water conservation and waste prevention requirements with a written warning for the first violation and a fine of \$100 for each subsequent violation to minimize the potential impacts of the Statewide drought on unincorporated County residents. Compliance with the Ordinance will be achieved primarily through public education and outreach in coordination with unincorporated County area water purveyors. Upon approval of these actions, Public Works will inform all of the unincorporated County area water purveyors of the Ordinance and request their assistance to notify their customers and encourage compliance with the provisions of the Ordinance. Additionally, Public Works will investigate reports of water wasting

received from the public. On an as-needed basis and upon referral by Public Works, the Department of Public Health (DPH) will issue citations for repeat violations of the Ordinance's provisions. The Director of Public Health and his duly authorized representatives are the designated individuals empowered to enforce Division 1 of Title 11, Health and Safety, including the provisions of the Ordinance, if adopted, pursuant to Section 11.02.030 of the Los Angeles County Code. On September 11, 2008, we discussed and obtained concurrence from the Director of Environmental Health on the role of DPH in the enforcement of the Ordinance. DPH's inspectors will issue water wasting citations, when required, in the course of performing their daily, routine duties. DPH does not foresee an impact to its routine operations provided the annual number of citations do not exceed 50. Based on our experience in the last drought, we do not anticipate the need for more than 50 citations per year.

On March 21, 1991, your Board adopted Ordinance No. 91-0046U with similar provisions to prohibit water wasting in unincorporated County areas in response to the severe drought in 1991. The provisions of the 1991 Ordinance were codified in Title 11, Health and Safety, Chapter 11.38, Water and Sewers, of the Los Angeles County Code; however, the Ordinance terminated on January 1, 1993, in accordance with its adopted language.

The adoption of this Ordinance is authorized by Article XI, Section 7, of the California Constitution, which establishes the County's general police power.

An urgency ordinance shall become effective immediately upon adoption by four-fifths vote by your Board in accordance with Section 25123(d) of the Government Code. The establishment of these water conservation and waste prevention requirements is urgent due to the severity of the Statewide drought and need to preserve the public health, safety, and general welfare of unincorporated County residents.

The provisions of the Ordinance will be reviewed at least once every two years by the Acting Director of Public Works, with input and concurrence from the Director of Public Health, and any necessary updates will be recommended to your Board.

The Ordinance has been approved as to form by County Counsel.

#### **ENVIRONMENTAL DOCUMENTATION**

The proposed Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) in that it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment pursuant to Section 15061(b)(3) of the CEQA Guidelines. The proposed Ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This Ordinance does not have such potential as.

its purpose is to allow for more stringent water conservation policies during times of drought in California.

The proposed Ordinance is also categorically exempt pursuant to Section 15307 of the CEQA Guidelines. The proposed Ordinance constitutes an action taken by your Board to assure the maintenance, restoration, or enhancement of water, a natural resource.

Upon your Board's approval of the Ordinance, Public Works will file a Notice of Exemption with the County Clerk in accordance with Section 15062 of the CEQA Guidelines.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The recommended actions will enact policies and requirements to reduce water wasting on and improve the reliability of water service to unincorporated County area residents. The proposed actions will not have a negative impact on existing services or planned projects.

**CONCLUSION**

Please return one adopted copy of this letter and the Ordinance to the Department of Public Works, Waterworks Division.

Respectfully submitted,



**DEAN D. EFSTATHIOU**  
Acting Director of Public Works

DDE:AA:dv

Attachment

- c: Chief Executive Office (Lari Sheehan)  
County Counsel  
Internal Services Department  
Department of Beaches and Harbors  
Department of Parks and Recreation  
Department of Public Health  
Department of Regional Planning